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HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 171

AN ACT TO AMEND CHAPTER 37 OF TITLE 24 RELATING TO SPEECH/LANGUAGE PATHOLOGISTS,
AUDIOLOGISTS AND HEARING AID DISPENSERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 3702, Title 24 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 3702 Definitions.

4 The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them
5 under this section, except where the context clearly indicates a different meaning:

6 (1) "Audiologist" shall mean a person who is licensed to practice audiology pursuant to this act and who
7 offers such services to the public under any title or description of services incorporating the words "audiologist,"
8 "hearing clinician," "hearing therapist," "aural rehabilitator" or any other similar title or description of service.

9 ~~(2) "Audiology aide" shall mean a person who is certified by the Council of Accreditation of Occupational~~
10 ~~Hearing Conservationists, or its equivalent, and whose supervising licensed audiologist annually shall register such~~
11 ~~person with the Board. The audiology aide shall perform services only under the direct supervision of an audiologist~~
12 ~~licensed in this State.~~

13 ~~(3)~~(2) "Board" shall mean the State Board of Speech/Language Pathologists, Audiologists and Hearing Aid
14 Dispensers established in this chapter.

15 ~~(4)~~(3) "Division" shall mean the state Division of Professional Regulation.

16 ~~(5)~~(4) "Excessive use or abuse of drugs" shall mean any use of narcotics, controlled substances or illegal
17 drugs without a prescription from a licensed physician, or the abuse of alcoholic beverage such that it impairs an
18 individual's ability to perform the work of a speech/language pathologist, audiologist or hearing aid dispenser.

19 ~~(6)~~(5) "Hearing aid" shall mean any personal, wearable instrument or device designed for, offered for the
20 purpose of, or represented as, aiding persons with, or compensating for, impaired hearing.

21 ~~(7)~~(6) "Hearing aid dispenser" shall mean a person licensed, pursuant to this chapter, to select, fit, dispense,
22 adapt, sell, or rent hearing aids. ~~to dispense hearing aids pursuant to this Act and who is engaged in the evaluation or~~

23 measurement of the power or range of human hearing by means of an audiometer or any other means devised for the
24 purpose of selecting, adapting and distributing or selling of hearing aids. Testing shall not include medical diagnosis or
25 audiologic evaluation. Licensed hearing aid dispensers may provide instruction, orientation and counseling on the use
26 and operation of a hearing aid; and they may use an otoscope or "ear light" to evaluate the feasibility and use of ear
27 molds and ear mold impressions.

28 ~~(8)~~(7) "Person" shall mean a corporation, company, association or partnership, as well as an individual.
29 Licenses shall be issued only to individuals under this chapter.

30 ~~(9)~~(8) "Practice of audiology" shall mean the application of principles, methods and procedures of
31 measurement, testing, evaluation, prediction, consultation, counseling, instruction, habilitation and rehabilitation
32 related to hearing and disorders of hearing for the purpose of evaluating, identifying, preventing, ameliorating or
33 modifying such disorders and conditions in individuals and/or groups. For the purpose of this paragraph, the terms
34 "habilitation" and "rehabilitation" shall include, but are not limited to, hearing aid evaluation, recommendation, and
35 fitting and selecting, adapting and distributing or selling of hearing aids.

36 ~~(10)~~(9) "Practice of speech/language pathology" shall mean the application of principles, methods and
37 procedures for measurement, testing, evaluation, prediction, counseling, instruction, habilitation or rehabilitation
38 related to the development and disorders of speech, language, voice, rate or rhythm for the purpose of evaluating,
39 preventing, ameliorating or modifying such disorders in individuals and/or groups.

40 (10) "Practice of hearing aid dispensing" means the selection, fitting, dispensing, adapting, selling, or renting
41 of hearing aids.

42 a. A hearing aid dispenser's permissible duties are limited to the following:

43 1. Otoscopic observation of the ear canal solely for the purpose of fitting a hearing aid.

44 2. Non-diagnostic testing of hearing solely for the purpose of fitting a hearing aid.

45 3. Making ear impressions for manufacture or modification of ear molds and hearing aids.

46 4. Adjustment of hearing aids for impaired hearing only.

47 5. Instruction, orientation, and counseling on the use and operation of a hearing aid.

48 b. A hearing aid dispenser may not:

49 1. Provide cerumen management services.

50 2. Adapt or adjust hearing aids to conduct sound therapy treatment for tinnitus management.

51 3. Verbally or in writing make a statement or reference to a prospective hearing aid user regarding

52 any medical condition or diagnosis, except as in subsection (c) of this definition.

53 c. Before dispensing a hearing aid, a hearing aid dispenser shall advise a prospective hearing aid user to
54 consult immediately with a licensed physician if the hearing aid dispenser determines the presence of medical
55 preexisting conditions as set forth in the U.S. Food and Drug Administration ("FDA") fitting referral criteria under
56 21 C.F.R. 801.420:

57 1. Visible congenital or traumatic deformity of the ear.

58 2. History of active drainage from the ear within the previous 90 days.

59 3. History of sudden or rapidly progressive hearing loss within the previous 90 days.

60 4. Acute or chronic dizziness.

61 5. Unilateral hearing loss of sudden or recent onset within the previous 90 days.

62 6. Audiometric air-bone gap equal to or greater than 15 decibels at 500 hertz (Hz), 1000 Hz, and
63 2000 Hz.

64 7. Visible evidence of significant cerumen accumulation or a foreign body in the ear canal.

65 8. Pain or discomfort in the ear.

66 (11) "Speech/language pathologist" shall mean a person who is licensed to practice speech/language
67 pathology pursuant to this act and who offers such services to the public under any title or description of services
68 incorporating the words "speech/language pathologist," "speech pathologist," "language pathologist," "speech and/or
69 language therapist," "speech and/or language correctionist," "speech and/or language clinician," "voice therapist,"
70 "communicologist," "aphasiologist" or any other similar title or description of service.

71 ~~(12) "Speech pathology aide" shall mean a person, who meets minimum qualifications that the Board may~~
72 ~~establish, which permit such an aide to assist speech/language pathologists in their professional endeavors, but only~~
73 ~~while under the direct supervision of a licensed speech/language pathologist.~~

74 ~~(13)~~(12) "State" shall mean the State of Delaware.

75 ~~(14)~~(13) "Substantially related" means the nature of the criminal conduct, for which the person was
76 convicted, has a direct bearing on the fitness or ability to perform 1 or more of the duties or responsibilities necessarily
77 related to the practice of speech/language pathology, audiology and/or the dispensing of hearing aids.

78 Section 2. Amend § 3703, Title 24 of the Delaware Code by making deletions as shown by strike through and
79 insertions as shown by underline as follows:

80 § 3703 Board of Speech/Language Pathologists, Audiologists, and Hearing Aid Dispensers; appointments;
81 composition; qualifications; term; vacancies; suspension or removal; unexcused absences; compensation.

82 (b) The Board shall consist of 9 members, appointed by the Governor, who are residents of this State: 3 shall
83 be speech/language pathologists licensed under this chapter; 2 shall be audiologists licensed under this chapter, 1 shall
84 be either an audiologist or a hearing aid dispenser licensed under this chapter, and 3 public members. Each professional
85 member of the Board shall be a primary practitioner of that member's specialty. The public members shall not be, nor
86 ever have been, speech/language pathologists, audiologists or hearing aid dispensers; nor members of the immediate
87 family of a speech/language pathologist, audiologist or hearing aid dispenser; shall not have been employed by a
88 speech/language pathologist, audiologist or hearing aid dispenser, or a company engaged in the practice of
89 speech/language pathology, audiology or dispensing hearing aids; shall not have a material interest in the providing of
90 goods and services to speech/language pathologists, audiologists or hearing aid dispensers; nor have been engaged in
91 an activity directly related to speech/language pathology, audiology or dispensing hearing aids. The public members
92 shall be accessible to inquiries, comments and suggestions from the general public.

93 Section 3. Amend § 3706, Title 24 of the Delaware Code by making deletions as shown by strike through and
94 insertions as shown by underline as follows:

95 § 3706 Powers and duties; immunity.

96 (a) The Board of Speech/Language Pathologists, Audiologists and Hearing Aid Dispensers shall have authority to:

97 (1) Formulate rules and regulations, with appropriate notice to those affected; all rules and regulations shall
98 be promulgated in accordance with the procedures specified in the Administrative Procedures Act [Chapter 101 of Title
99 29] of this State. Each rule or regulation shall implement or clarify a specific section of this chapter.

100 (2) Designate the application form to be used by all applicants and to process all applications.

101 (3) Designate the national, written, standardized examinations in speech/language pathology, audiology and
102 hearing aid dispensing, prepared by a national testing service(s), to be taken by all persons applying for licensure as
103 speech/language pathologists, audiologists and/or hearing aid dispensers; applicants who qualify for licensure by
104 reciprocity shall have achieved a passing score on all parts of the designated written national examination in the
105 applicant's specialty.

106 (4) Evaluate the credentials of all persons applying for a license to practice speech/language pathology,
107 audiology or to dispense hearing aids in this State ~~or to act as audiology aides or speech pathology aides~~, in order to
108 determine whether such persons meet the qualifications set forth in this chapter.

109 (5) Grant licenses to, and renew licenses of all persons who meet the qualifications for licensure, including
110 those persons who apply for temporary licensure.

111 (6) Establish by rule and regulation continuing education standards required for license renewal.

112 (7) Evaluate certified records to determine whether an applicant for licensure who previously has been
113 licensed, certified or registered in another jurisdiction to practice speech/language pathology, audiology and dispense
114 hearing aids has engaged in any act or offense that would be grounds for disciplinary action under this chapter and
115 whether there are disciplinary proceedings or unresolved complaints pending against such applicant for such acts or
116 offenses.

117 (8) Refer all complaints from licensees and the public concerning persons licensed in this chapter or
118 concerning practices of the Board or of the profession, to the Division for investigation pursuant to § 8735 of Title 29
119 and assign a member of the Board to assist the Division in an advisory capacity with the investigation of the technical
120 aspects of the complaint.

121 (9) Conduct hearings and issue orders in accordance with procedures established pursuant to Chapter 101 of
122 Title 29.

123 (10) Where it has been determined after a hearing that penalties or sanctions should be imposed, to designate
124 and impose the appropriate sanction or penalty after time for appeal has lapsed.

125 (11) ~~Adopt and publish~~Establish by rule and regulation a code of ethics for each professional specialty ~~and~~
126 ~~promulgate within 60 days of adoption.~~

127 (12) ~~Establish and publish~~by rule and regulation standards for electronic equipment used for the purpose of
128 measuring hearing, and require written proof of calibration for such equipment annually.

129 (13) Establish by rule and regulation requirements for licensed hearing aid dispenser and licensed audiologist
130 to:

131 a. At the time of the initial examination for fitting and sale of a hearing aid, to notify the prospective
132 purchaser or client of the operation and benefits of telecoil, also known as "t" coil, or "t" switch technology, in
133 using a hearing aid with "hearing loop" technology; and

134 b. Provide written information explaining telecoil and its uses, including increased access to
135 telephones, and communication with businesses and in the community, and noninvasive access to assistive
136 listening systems.

137 Section 4. Amend § 3708, Title 24 of the Delaware Code by making deletions as shown by strike through and
138 insertions as shown by underline as follows:

139 § 3708 Qualifications of applicant; report to Attorney General; judicial review.

140 (a) An applicant who is applying for licensure under this chapter shall submit evidence, verified by oath and
141 satisfactory to the Board, that such person:

142 (1) For licensure as a speech/language pathologist, has ~~met the national requirements for a current~~
143 certification of clinical competence issued by the American Speech/Language and Hearing Association (ASHA), or its
144 successors. ~~The requirements include:~~

145 a. ~~Possession of a master's degree or its equivalent from an accredited college or university in accordance~~
146 ~~with the Board's rules and regulations.~~

147 b. ~~A supervised clinical practicum in accordance with the Board's rules and regulations.~~

148 c. ~~Completion of 9 months' full-time or 18 months' part-time supervised clinical fellowship year, begun~~
149 ~~after fulfilling academic and clinical practicum requirements.~~

150 d. ~~Successful completion of a national examination in the area of applicant's specialty prepared by a~~
151 ~~national testing service and approved by the Division.~~

152 (2) For licensure as an audiologist, has ~~met the national requirements for current~~ certification of clinical
153 competence issued by the American Speech/Language Hearing Association, or its successors, or has been issued board
154 certification from the American Board of Audiology, or its successors. ~~The requirements include:~~ In addition, the
155 applicant must meet all of the following requirements:

156 a. Possession of a doctoral degree in audiology from an accredited college or university.

157 b. Successful completion of a national examination in the area of the applicant's specialty prepared by a
158 national testing service approved by the Division.

159 c. Audiologists licensed prior to July 10, 2009, shall be exempted from the educational requirement set
160 forth in paragraph (a)(2)a. of this section.

161 (3) For licensure as a hearing aid dispenser, shall submit evidence, verified by oath and satisfactory to the
162 Board, that such person has met the current standards promulgated by the National Institute for Hearing Instrument
163 Studies or its ~~successor~~; successors. ~~In~~ In addition, the applicant shall complete all of the following:

164 a. Provide verification of a high school diploma or its equivalent.

165 b. Provide proof of successful completion of a national examination prepared by a national testing
166 service and approved by the Division.

167 c. ~~An applicant shall complete~~ Complete 6 months of training prior to taking the examination. The Board
168 in its rules and regulations shall establish the frequency of direct supervision during the training period.

169 d. Provide notarized signature of Delaware-licensed hearing aid dispenser sponsor providing direct
170 supervision and training of applicant.

171 e. Paragraphs (a)(3)a., c. and d. of this section herein shall not apply to applicants who are licensed
172 audiologists.

173 (b) All applicants shall meet the following conditions:

174 (1) Shall not have been the recipient of any administrative penalties regarding their practice of
175 speech/language pathology, audiology or dispensing of hearing aids, including but not limited to fines, formal
176 reprimands, license suspensions or revocation (except for license revocations for nonpayment of license renewal fees),
177 probationary limitations, and/or has not entered into any "consent agreements" which contain conditions placed by a
178 Board on that applicant's professional conduct and practice, including any voluntary surrender of a license. The Board,
179 after a hearing, may determine whether such administrative penalty is grounds to deny licensure.

180 (2) Shall not have ~~any impairment related to drugs, alcohol or a finding of mental incompetence by a~~
181 ~~physician that would limit the applicant's ability to undertake that applicant's practice in a manner consistent with the~~
182 ~~safety of the public~~ excessively used or abused drugs, as defined in § 3702 of this title.

183 (3) Shall not have a criminal conviction record, nor pending criminal charge relating to an offense the
184 circumstances of which substantially relate to their licensed practice. Applicants who have criminal conviction records
185 or pending criminal charges shall request appropriate authorities to provide information about the conviction or charge
186 directly to the Board in sufficient specificity to enable the Board to make a determination whether the conviction or
187 charge is substantially related to the applicant's area of practice. However, after a hearing or review of documentation
188 demonstrating that the applicant meets the specified criteria for a waiver, the Board, by an affirmative vote of a
189 majority of the quorum, may waive this paragraph (b)(3), if it finds all of the following:

190 a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At
191 the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or
192 serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to
193 fines, restitution and community service.

194 b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may
195 not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must
196 be in substantial compliance with all court orders pertaining to fines, restitution and community service.

197 c. The applicant is capable of practicing speech/language pathology, audiology or the dispensing of
198 hearing aids in a competent and professional manner.

199 d. The granting of the waiver will not endanger the public health, safety or welfare.

200 (4) Shall not have been convicted of a felony sexual offense.

201 (5) Shall submit, at the applicant's expense, fingerprints and other necessary information in order to obtain the
202 following:

203 a. A report of the applicant's entire criminal history record from the State Bureau of Identification or a
204 statement from the State Bureau of Identification that the State Central Repository contains no such information
205 relating to that person.

206 b. A report of the applicant's entire federal criminal history record pursuant to the Federal Bureau of
207 Investigation appropriation of Title II of Public Law 92-544 (28 U.S.C. § 534). The State Bureau of Identification
208 shall be the intermediary for purposes of this section and the Board of Speech/Language Pathologists, Audiologists
209 and Hearing Aid Dispensers shall be the screening point for the receipt of said federal criminal history records.

210 c. An applicant may not be licensed as a speech/language pathologist, audiologist or hearing aid
211 dispenser until the applicant's criminal history reports have been produced. An applicant whose record shows a
212 prior criminal conviction may not be licensed by the Board unless a waiver is granted pursuant to paragraph (b)(3)
213 of this section.

214 (c) Where the Board has found to its satisfaction that an applicant has been intentionally fraudulent or that
215 false information has been intentionally supplied, it shall report its findings to the Attorney General for further action.

216 (d) Where the application of a person has been refused or rejected and such applicant feels that the Board has
217 acted without justification, has imposed higher or different standards for that person than for other applicants or
218 licensees, or has in some other manner contributed to or caused the failure of such application, the applicant may
219 appeal to the Superior Court.

220 (e) All individuals licensed to practice speech/language pathology, audiology or hearing aid dispensing in this
221 State shall be required to be fingerprinted by the State Bureau of Identification, at the licensee's expense, for the
222 purposes of performing subsequent criminal background checks. Licensees shall submit by January 1, 2016, at the
223 applicant's expense, fingerprints and other necessary information in order to obtain a criminal background check.

224 Section 5. Amend § 3709, Title 24 of the Delaware Code by making deletions as shown by strike through and
225 insertions as shown by underline as follows and by redesignating accordingly:

226 § 3709 Examination.

227 (a) In the event an applicant for licensure has not successfully completed the examinations required by this
228 chapter, the Board shall administer or authorize the administration of such examinations described in § 3708(a)(1)d.,
229 (a)(2)b. and/or (a)(3)b. of this title. All examinations shall be graded by the testing service providing the examinations. The
230 passing score for all examinations shall be established by the testing agency.

231 (b) ~~The Board shall provide at least 2 dates annually for the administration of the examinations required by this~~
232 ~~section. The Board, with the approval of the Division, shall establish the time and place of the examinations.~~

233 (c) Persons who fail an examination required by this section may reapply for examination at the next possible
234 date. Persons failing 2 examinations shall submit proof of additional education and/or training as may be required by the
235 Board in the rules and regulations. Such persons may not be reexamined for a period of at least 1 year from the time of the
236 second failure.

237 Section 6. Amend § 3710, Title 24 of the Delaware Code by making deletions as shown by strike through and
238 insertions as shown by underline as follows and by redesignating accordingly:

239 § 3710 Reciprocity.

240 (a) Upon payment of the appropriate fee and submission and acceptance of a written application on forms
241 provided by the Board, the Board shall grant a license to an applicant who presents proof of current licensure in "good
242 standing" in another state, the District of Columbia, or territory of the United States whose standards for licensure are
243 substantially similar to those of this State and proof of the following:

244 ~~(1) Shall present proof of current licensure in "good standing" in another state, the District of Columbia, or~~
245 ~~territory of the United States whose standards for licensure are substantially similar to those of this State. A license in~~
246 ~~"good standing" is defined in § 3708(b)(1), (2) and (3) of this title; and~~

247 (2)(1) If the applicant is a speech/language pathologist, shall present proof of current licensure certification of
248 clinical competence from the American Speech/Language and Hearing Association (ASHA), or its successors, in the
249 area in which the applicant is applying for licensure and who, if licensed in another state or states, meets the
250 requirements of § 3708(b)(1), (2) and (3) of this title.

251 (2) If the applicant is an audiologist, proof of current certification of clinical competence from ASHA, or its
252 successors, or current board certification from the American Board of Audiology, or its successors. Audiologists
253 licensed prior to July 10, 2009, shall be exempted from the educational requirement set forth in § 3708(a)(2)a. of this
254 title

255 ~~(3) Audiologists licensed prior to July 10, 2009, shall be exempted from the educational requirement set forth~~
256 ~~in § 3708(a)(2)a. of this title. All reciprocity applicants shall present evidence that, in all states in which the applicant~~
257 ~~is or was licensed, the applicant's license is in "good standing" and the applicant meets the conditions under §~~
258 ~~3708(b)(1), (2) (3) and (4) of this title.~~

259 (b) An applicant who is licensed or registered in a state whose standards are not substantially similar to those of
260 this State shall have practiced for a minimum of 5 years after licensure, provided, however, that the applicant meets all
261 other qualifications for reciprocity in this section.

262 (c) An applicant for licensure as a speech/language pathologist who has received a degree from a foreign school,
263 college or university, shall have received a master's degree, or its equivalent, or a doctoral degree, or its equivalent, and
264 shall submit a certified copy of that applicant's school, college or university record for evaluation. An applicant for
265 licensure as an audiologist, who has received a degree from a foreign school, college or university, shall have received a
266 doctoral degree or its equivalent, and shall submit a certified copy of that applicant's school, college or university record for
267 evaluation. Where an applicant for licensure as an audiologist has submitted an application prior to July 10, 2009, the
268 applicant shall have received at least a master's degree, or its equivalent.

269 ~~(d) In the event that a disciplinary proceeding or unresolved complaint is pending, the applicant shall not be~~
270 ~~licensed in this State until the proceeding or complaint has been resolved. Applicants for licensure in this State shall be~~
271 ~~deemed to have given consent to the release of such information and to waive all objections to the admissibility of such~~
272 ~~information as evidence at any hearing or other proceeding to which the applicant may be subject.~~

273 (e) [Repealed.]

274 Section 7. Amend § 3712, Title 24 of the Delaware Code by making deletions as shown by strike through and
275 insertions as shown by underline as follows:

276 § 3712 Issuance and renewal of licenses.

277 (a) The Board shall issue a license to each applicant who meets the requirements of this chapter for licensure as a
278 speech/language pathologist, audiologist and/or hearing aid dispenser and who pays the fee established under § 3711 of this
279 title.

280 (b) Each license shall be renewed biennially, in such manner as is determined by the Division, and upon payment
281 of the appropriate fee ~~and submission of a renewal form provided by the Division,~~ and attestation, as set forth in the Board's
282 rules and regulations, that the licensee has met the continuing education requirements established by the Board. For the first
283 renewal only, speech/language pathologists shall submit proof of current certification of clinical competence issued by the
284 American Speech/Language and Hearing Association (ASHA), or its successors. For the first renewal only, audiologists
285 shall submit proof of current certification issued by ASHA, or its successors, or current board certification from the
286 American Board of Audiology, or its successors. In addition, audiologists and hearing aid dispensers shall attest to
287 calibration of electronic equipment used to assess hearing, as set forth in the Board's rules and regulations.

288 (c) The Board, in its rules and regulations, shall determine the period of time within which a licensee may still
289 renew the licensee's license, notwithstanding the fact that such licensee has failed to renew on or before the renewal date,
290 provided, however, that such period shall not exceed 1 year.

291 (d) A licensee, upon written request, may be placed in an inactive status for no more than 5 years. Such person,
292 who desires to reactivate that person's license, shall complete a Board-approved application form, submit a renewal fee set
293 by the Division, and submit proof of fulfillment of continuing education requirements in accordance with the rules and
294 regulations of the Board.

295 Section 8. Amend § 3715, Title 24 of the Delaware Code by making deletions as shown by strike through and
296 insertions as shown by underline as follows:

297 § 3715 Grounds for discipline.

298 (a) A practitioner licensed under this chapter shall be subject to disciplinary actions set forth in § 3716 of this title
299 if after a hearing, the Board finds that the speech/language pathologist, audiologist or hearing aid dispenser:

300 (1) Has employed or knowingly cooperated in fraud or material deception in order to acquire a license as a
301 speech/language pathologist, audiologist or hearing aid dispenser; has impersonated another person holding a license,
302 or has allowed another person to use that practitioner's license, or has aided or abetted a person not licensed as a
303 speech/language pathologist, audiologist or hearing aid dispenser; to represent himself or herself as a speech/language
304 pathologist, audiologist or hearing aid dispenser.

305 (2) Has illegally, incompetently or negligently practiced speech/language pathology, audiology or hearing aid
306 dispensing.

307 (3) Has been convicted of a crime that is substantially related to the practice of speech/language pathology,
308 audiology and/or the dispensing of hearing aids.

309 (4) A copy of the record of conviction certified by the clerk of the court entering the conviction shall be
310 conclusive evidence therefor.

311 (5) Has excessively used or abused drugs ~~either in the past 2 years or currently~~ as defined in § 3702 of this
312 title.

313 (6) Has engaged in an act of consumer fraud or deception; engaged in the restraint of competition; or
314 participated in price-fixing activities.

315 (7) Has violated a lawful provision of this chapter, or any lawful regulation established thereunder.

316 (8) Has had the practitioner's license as a speech/language pathologist, audiologist or hearing aid dispenser
317 suspended or revoked, or other disciplinary action taken by the appropriate licensing authority in another jurisdiction;

318 provided, however, that the underlying grounds for such action in another jurisdiction have been presented to the Board
319 by certified record and the Board has determined that the facts found by the appropriate authority in the other
320 jurisdiction constitute 1 or more of the acts defined in this chapter. Every person licensed as a speech/language
321 pathologist, audiologist or hearing aid dispenser in this State shall be deemed to have given consent to the release of
322 this information by the Board of Speech/Language Pathologists, Audiologists and Hearing Aid Dispensers or other
323 comparable agencies in another jurisdiction and to waive all objections to the admissibility of previously adjudicated
324 evidence of such acts or offenses.

325 (9) Has failed to notify the Board that the practitioner's license as a speech/language pathologist, audiologist
326 or hearing aid dispenser in another jurisdiction has been subject to discipline, or has been surrendered, suspended or
327 revoked. A certified copy of the record of disciplinary action, surrender, suspension or revocation shall be conclusive
328 evidence thereof; or,

329 (10) Has a physical condition such that the performance of speech/language pathology, audiology or
330 dispensing of hearing aids is or may be injurious or prejudicial to the public.

331 Section 9. Amend § 3716, Title 24 of the Delaware Code by making deletions as shown by strike through and
332 insertions as shown by underline as follows and by redesignating accordingly:

333 § 3716 Disciplinary sanctions.

334 (a) The Board may impose any of the following sanctions, singly or in combination, when it finds that one of the
335 conditions or violations set forth in § 3715 of this title applies to a practitioner regulated by this chapter:

336 (1) Issue a letter of reprimand.

337 (2) ~~Censure a practitioner.~~

338 (3) Place a practitioner on probationary status, and require the practitioner to:

339 a. Report regularly to the Board upon the matters that are the basis of the probation.

340 b. Limit all practice and professional activities to those areas prescribed by the Board.

341 (4) Suspend any practitioner's license.

342 (5) Revoke any practitioner's license.

343 (6) Impose a monetary penalty not to exceed \$500 for each violation.

344 (7) The Board shall permanently revoke the license to practice speech/language pathology, audiology or
345 hearing aid dispensing of a person who is convicted of a felony sexual offense.

346 Section 10. Amend § 3717, Title 24 of the Delaware Code by making deletions as shown by strike through and
347 insertions as shown by underline as follows and by redesignating accordingly:

348 § 3717 Hearing procedures.

349 (a) If a complaint is filed with the Board pursuant to § 8735 of Title 29 alleging violation of § 3715 of this title,
350 the Board shall set a time and place to conduct a hearing on the complaint. Notice of the hearing shall be given and the
351 hearing shall be conducted in accordance with the Administrative Procedures Act, Chapter 101 of Title 29.

352 ~~(b) All hearings shall be informal without use of rules of evidence. If the Board finds, by a majority vote of all~~
353 ~~members, that the complaint has merit, the Board shall take such action permitted under this chapter as it deems necessary.~~
354 ~~The Board's decision shall be in writing and shall include its reasons for such decision. The Board's decision shall be mailed~~
355 ~~immediately to the practitioner.~~

356 (c) Where the practitioner is in disagreement with the action of the Board, the practitioner may appeal the Board's
357 decision to the Superior Court within 30 days of ~~service, or of the postmarked date of the copy of the decision mailed to the~~
358 ~~practitioner~~ the day that notice of the decision was mailed. Upon such appeal the Court shall hear the evidence on the
359 record. Stays shall be granted in accordance with § 10144 of Title 29.

SYNOPSIS

This Bill amends the Board composition to provide that a slot may be filled by an audiologist or by a hearing aid dispenser which shall address the challenge in locating a hearing aid dispenser to serve on the Board. Further, this Bill adds a definition for the “practice of hearing aid dispensing” to set forth the appropriate scope of practice for hearing aid dispensers, based on their training and qualifications, in the interest of public protection. This Bill also strikes references to audiology and speech pathology aides because the Board does not license or regulate these professions. The requirements for licensure and license renewal, for speech/language pathologists and audiologists, have been amended in the interests of clarity. Upon application, a speech/language pathologist must submit proof of current certification from the American Speech and Hearing Association (“ASHA”) and audiologists must submit proof of either current ASHA certification or board certification from the American Board of Audiology. Reciprocity applicants for speech/language pathology and audiology must meet this same requirement. Also, at the time of the first renewal only, speech/language pathologists and audiologists must show the appropriate current certification. Finally, references to “excessive use or abuse of drugs” have been amended to be consistent with the definition of this term.